

To: Rice, Dennis[drice@osmre.gov]
Cc: Suriano, Elaine[Suriano.Elaine@epa.gov]
From: Ferguson, Robin
Sent: Wed 9/16/2015 1:56:49 PM
Subject: Re: HR item on SPR and 9/22/15 lunch

Good morning! Last nights meeting in Big Stone Gap was a little more exciting and the biggest turnout yet (around 400 people and 103 speakers). And afterwards I had a delicious burger and fried okra at a diner called "That Flippin Egg". All is well and we are off now to Charleston, woo hoo!

On Tuesday, September 15, 2015, Rice, Dennis <drice@osmre.gov> wrote:

Hi Elaine,

Redacted non-responsive

Ex. 5 - Deliberative

On Mon, Sep 14, 2015 at 1:21 PM, Suriano, Elaine <Suriano.Elaine@epa.gov> wrote:

D –

Thanks for your thoughts on the matter.

Redacted non-responsive

E...

Elaine Suriano

Environmental Scientist

Office of Federal Activities (2252A)

WJC South - 7235C

1200 Penna. Ave., NW

Washington, DC 20460

PH 202 564 7162 - FX 202 564 0070

suriano.elaine@epa.gov

----- Forwarded message -----

From: "Rice, Dennis" <drice@osmre.gov>

To: "Suriano, Elaine" <Suriano.Elaine@epa.gov>

Cc:

Date: Sat, 12 Sep 2015 14:28:28 +0000

Subject: Fwd: SPR

Hi Elaine,

Ex. 5 - Deliberative

----- Forwarded message -----

From: **Boyles, Dennis** <dboyles@osmre.gov>

Date: Thu, Sep 10, 2015 at 4:19 PM

Subject: SPR

To: Dennis Rice <drice@osmre.gov>

Panel to vote on tweaked version of bill to block stream rule

Manuel Quiñones, E&E reporter

Published: Thursday, September 10, 2015

The House Natural Resources Committee is likely to approve legislation today meant to block the Obama administration's proposal to protect waterways from coal mining.

The legislation, **H.R. 1644**, would put off the Office of Surface Mining Reclamation and Enforcement's proposed stream protection rule pending further study of current standards. It

would also require the agency to release scientific information associated with its actions.

Committee Chairman Rob Bishop (R-Utah) said yesterday that the OSMRE proposal, "much like other Interior Department proposals, lacks available, transparent, current data or science to justify the rule."

And bill sponsor Rep. Alex Mooney (R-W.Va.) said, "This new regulation will have far-reaching impacts for the coal industry." He said the legislation is necessary for "preventing the further destruction of the coal industry."

Mooney is likely to introduce an amendment during today's markup to modify and expand the scope of the legislation. For one, it would apply the science information release requirements to OSMRE actions beyond rulemakings, including policies and guidance.

The amendment would task OSMRE and the Interstate Mining Compact Commission, plus its member states, to partner in requesting the National Academy of Sciences to study existing regulations and determine whether updates are necessary.

The measure would make sure OSMRE does not extend its jurisdiction into enforcing environmental laws beyond the Surface Mining Control and Reclamation Act. Stream rule critics say it bleeds into the Clean Water Act and Endangered Species Act.

It would also change the type of science OSMRE would be required to release, including raw data, to exempt information that is personal, subject to copyright or considered business-sensitive.

"We must end this war on coal now, and passing the 'STREAM Act' is an important step," Mooney said yesterday during opening statements for today's markup.

Most, if not all, Democrats are likely to oppose the legislation. The Natural Resources panel's top Democrat, Arizona Rep. Raúl Grijalva, said the stream rule was an effort "to protect communities and the environment from the devastating effects of mountaintop-removal coal mining."

Making reference to the recent abandoned mine spill in Colorado, Grijalva said, "I hope that the level of outrage expressed by the majority about the spill in the Animas River would extend to the people in Appalachia."

Grijalva also said that House Republicans displayed their priorities with their "decision to side with the coal industry and ignore" the Land and Water Conservation Fund. Democrats feel the GOP hasn't moved fast enough to reauthorize and fund LWCF.

California Rep. Alan Lowenthal, top Democrat on the Energy and Mineral Resources Subcommittee, will likely introduce an amendment to blunt Mooney's bill.

Lowenthal's pending amendment would prevent the legislation from taking effect if the administration deems the new stream rule necessary to protect communities from what critics describe as the negative health effects of strip coal mining.

Mooney, echoing the National Mining Association, said a previous leaked version of the stream rule would have put nearly 80,000 jobs in jeopardy. That's more than the current total number of coal mine employees as defined by the Bureau of Labor Statistics.

OSMRE's regulatory impact analysis says the proposed rule's job effects would be in the hundreds rather than the thousands. But Mooney said, "They must be looking at a different set of facts."

--

Dennis G. Rice

**Regulatory Analyst
202.208.2829**

--

**Dennis G. Rice
Regulatory Analyst
202.208.2829**

--

**Robin Ferguson
NEPA specialist**

**U.S. Department of the Interior
Office of Surface Mining Reclamation and Enforcement
Division of Regulatory Support**

Office Phone: 202.208.2802

Office Fax: 202.219.3276

E-mail: rferguson@osmre.gov